

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICK D. LANGE, as Chapter 7 Trustee of  
the Bankruptcy Estate of TierOne  
Corporation;

Plaintiff,

vs.

CHARLES W. HOSKINS, CAMPBELL R.  
MCCONNELL, GILBERT G.  
LUNDSTROM, EUGENE B.  
WITKOWICZ, JAMES A. LAPHEN, and  
KPMG LLP,

Defendants.

**4:12CV3148**

**MEMORANDUM AND ORDER**

This matter is before the court on Plaintiff and Defendants Charles W. Hoskins, Campbell R. McConnell, Gilbert G. Lundstrom, James A. Laphen and Eugene Witkowsicz' (the "Individual Defendants") Joint Motion to Withdraw their previously filed Joint Motion to Extend the Individual Defendant's Response Deadline, (filing no. 19) because, although the text of the motion is correct, when the Joint Motion to Extend, (filing no. 18), was docketed on the CM/ECF system, defendant KPMG, LLP was inadvertently and incorrectly listed as a filing party.

**IT IS ORDERED:**

- 1) Plaintiff and Individual Defendants motion to withdraw filing no. 18, (filing no. 19) is granted insofar as the CM/ECF text entry improperly identifies KPMG, LLP as a filing party and a party seeking relief. The portion of the docket entry identifying KPMG, LLP as a party seeking relief shall be stricken. The motion to withdraw is denied in all other respects.
- 2) To the extent Plaintiff and Individual Defendants have agreed that Defendants Charles W. Hoskins, Campbell R. McConnell, Gilbert G. Lundstrom, James A. Laphen and Eugene Witkowsicz shall have an extension of time in which to file their respective answers or other responsive pleading and that agreement is represented by filing no. 18, the

stipulation for an extension is granted. The Individual Defendants' answer or other responsive pleading shall be due thirty (30) days after the court resolves Plaintiff's forthcoming motion to remand this case. The parties do not need to resubmit their Joint Motion to Extend.

Dated this 15th day of August, 2012.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge